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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

NICHOLAS TOSTA, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

FORMULATION TECHNOLOGY
INCORPORATED, a California
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CV-22-000189
*[Assigned to Hon. Sonny S. Sandhu, Dept 24,
for all purposes]*

**DECLARATION OF PLAINTIFF
NICHOLAS TOSTA IN SUPPORT OF
MOTION FOR FINAL APPROVAL**

I, Nicholas Tosta, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for final approval of the class action settlement. I believe that the settlement is fair, reasonable, and constitutes a fair resolution of the claims alleged.

2. During my employment with Formulation Technology, I thought that were issues with my pay and other aspects of my employment. Because of these issues, I started researching California law and contacted attorneys regarding how I was treated.

1 3. I then contacted Lauby, Mankin & Lauby LLP and understood that I had two
2 options: (1) I could bring a class action to help all of the employees, but I would have to put their
3 interests ahead of my own, or (2) I could bring my individual case and claims and attempt to
4 maximize my individual recovery. This decision was very difficult because I wanted to
5 maximize my individual recovery, but I also wanted to help everyone else that was wronged by
6 the company. And, if I joined the class action, I was worried that I might get labeled as a
7 whistleblower, which might make it hard to find a job in the future. In the end, I decided that –
8 despite the risks – it was important to bring these claims as a class action to hold the company
9 accountable for how they treated their employees.

10 4. I respectfully request that the Court approve the agreed-upon service award for
11 the following reasons.

12 5. First, I have spent substantial time working on this case – at least 50 hours
13 engaged in activities to benefit the class. I have been an active participant in this litigation and
14 have assisted my attorneys in numerous ways, including helping to explain and discuss the
15 company’s practices and their general practices and procedures, locating and analyzing company
16 documents, helping prepare for mediation where we reached a favorable settlement, reviewing
17 the settlement documents, and other tasks. These efforts occurred through numerous telephone
18 conferences, letters, emails, and text communications.

19 6. Second, I respectfully request that the Court approve the agreed-upon service
20 award because I agreed to set aside my personal interests and to put the interests of the class
21 ahead or on par with my own. In doing so, and by successfully bringing this case as a class
22 action, I helped to obtain a highly beneficial settlement for the class members.

23 7. Third, as a condition of this class action settlement, I was required to release and
24 waive all possible individual claims against the company – something that none of the other class
25 members were required to give up.

26 8. Fourth, by bringing this case as a class action, I undertook significant risks and
27 stresses at a high emotional cost without any guarantee of success. For example, filing this
28 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly

1 worried about the risk that this case could impact my ability to find future jobs. And this
2 stress/risk lasted for the entire case, and I'm worried it may make it hard to find a job in the
3 future since the case information is all available online.

4 9. Fifth, bringing this case also came with a major financial risk because, if I lost the
5 case, I would be required to pay the company's costs, which could be over \$10,000, and there
6 was a chance they could try to make me pay their attorneys' fees as well.

7 10. Therefore, I respectfully request that the Court award the full requested service
8 award since that amount is justified based on the facts above.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct. Executed on September 15, 2023, at Riverbank, California.

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12 By: 
13 Nicholas Tosta (Sep 15, 2023 15:51 PDT)
14 Nicholas Tosta
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